



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

RUSSELL V. LOUISVILLE & NASHVILLE RAILROAD COMPANY.—Decided at Wytheville, July 2, 1896.—*Cardwell*, J. Absent, *Harrison*, J:

1. RAILROADS—*Cattle-guards*—*Sec. 1262 of Code*. In an action against a railroad company to recover the penalty imposed by sec. 1262 of the Code for failure to construct cattle-guards, the gist of the action is whether or not the points within the plaintiff's enclosed lands at which he requested the defendant to construct the cattle-guards were necessary and proper places for them to be constructed within the meaning of the statute, and not whether that section applies to private crossings.

2. PLEADING—*Demurrer*—*Withdrawal of pleas in order to pass on demurrer*. After a demurrer has been overruled and the defendant has pleaded, if the court is satisfied that the demurrer should have been sustained, it should allow the defendant to withdraw his plea, set aside its former order on the demurrer, and enter an order sustaining the demurrer.

3. PLEADING—*Action for penalties—Debt*. Actions to recover specific penalties imposed by statute do not sound in damages, and where a statute imposes a penalty no part of which can accrue to the Commonwealth, but provides no particular mode by which the person aggrieved may recover the penalty, the common law action of debt is the proper form of action. An action on the case does not lie.

PERSINGER'S ADM'R V. CHAPMAN.—Decided at Wytheville, July 9, 1896.—*Cardwell*, J. Absent, *Harrison*, J:

1. EQUITABLE RELIEF—*Reformation—Mutual mistake*. Equity will not relieve against an alleged mutual mistake of fact when it is clear that there can be no true statement of the case established, and that any effort to reform the instrument alleged to have been executed in mutual mistake would in all probability, if not certainly, result in injustice to the estate of one of the parties.

2. EQUITABLE RELIEF—*Mutual mistake—Diligence*. Equity will not extend its aid to one who has been guilty of culpable negligence. It requires that the party who asks relief on the ground of mutual mistake shall have exercised at least the degree of diligence which may be fairly expected of a reasonable person under the circumstances.

SLOCUM V. COMPTON.—Decided at Wytheville, July 9, 1896.—*Buchanan*, J. Absent, *Harrison*, J:

1. EJECTMENT—*Verdict for part of land—Requisites of verdict*.—Where the verdict, in an action of ejectment, is for a part only of the land sued for, the boundaries of the part recovered should be designated. The verdict must be certain in itself, or must refer to some certain standard by which to ascertain the land so found, otherwise it will be too uncertain to warrant a judgment upon it.